

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)	
On Its Own Motion)	
)	
-vs-)	Docket No. 09-0314
)	
Delta Communications, LLC)	
d/b/a Clearwave Communications:)	
Investigation into whether Intrastate Access)	
Charges of Delta Communications, LLC)	
d/b/a Clearwave Communications are)	
Just and Reasonable.)	

STAFF OF THE ILLINOIS COMMERCE COMMISSION'S

MOTION TO DISMISS

Pursuant to 83 Ill. Adm. Code 200.190, Staff of the Illinois Commerce Commission ("Staff" and "Commission"), by and through its undersigned attorneys, hereby files its Motion to Dismiss. In support thereof, Staff respectfully states as follows:

1. On June 26, 2009, the Staff submitted a Report to the Commission, recommending that the Commission initiate an investigation of whether Delta Communications LLC d/b/a Clearwave Communications' (hereafter "Delta's") intrastate interexchange access rates were and are just and reasonable. See, *generally*, Staff Report. The Commission initiated such an investigation, the above captioned proceeding. See, *generally*, Initiating Order.

2. Since that date, testimony has been submitted by the parties hereto.

3. On May 7, 2010 Staff requested that the matter be stayed pending Gubernatorial action or inaction upon SB 107 which provided telecommunications

carriers providing intrastate access services must reduce their intrastate access rates to the level of their interstate access rates by a date not later than June 30, 2013. See generally, Staff's Motion to Stay Proceeding; See SB 107, adding new Sections 13-506.2 and 13-900.2.

4. Staff stated in its Motion to Stay that Enactment of SB 107 would resolve by operation of law the Commission's stated goals in this proceeding, specifically, the determination of whether carrier intrastate access rates are indeed just and reasonable. Staff's Motion to Stay Proceeding, p. 2. Enactment of SB 107 would resolve by operation of law the Commission's stated goals in this proceeding, specifically, the determination of whether carrier intrastate access rates are indeed just and reasonable.

5. On May 10, 2010 the Administrative Law Judge granted Staff's Motion to Stay the proceeding without objection and stayed the proceeding until gubernatorial action on SB 107.

6. On June 15, 2010, the Governor signed SB 107, as Public Act 96-927. Public Act 96-627 resolves by operation of law the Commission's investigation into whether Delta's intrastate interexchange access rates are just and reasonable because under the new law Delta will be required to reduce its intrastate access rates to the level of their interstate access rates by a date not later than June 30, 2013. P.A. 96-927, §5, codified as 200 ILCS 5/13-900.2. Therefore, Staff respectfully requests that this matter be dismissed, as being statutorily moot.

For the foregoing reasons, the Staff of the Illinois Commerce Commission respectfully requests that the Commission dismiss the instant proceeding.

Respectfully submitted,

/s/

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